

000012041

CORRES CONTROL  
INCOMING LTR NO

4634 RF 93

DUE  
DATE

## ACTION

DIST. LTR ENC

BENEDETTI, R L		
BENJAMIN, A		
BERMAN, H S		
CARNIVAL, G J		
COPP, R D		
CORDOVA, R C		
DAVIS, J G		
FERRERA, D W		
FRANZ, W A		
HANNI, B J		
HEALY, T J		
HEDAHL, T G	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
HILBIG, J G	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
HUTCHINS, N M		
KIRBY, W A		
KUESTER, A W		
MAHAFFEY, J W		
MANN, H P		
MARX, G E		
McKENNA, F G		
MORGAN, R V		
PIZZUTO, V M		
POTTER, G L		
SANDLIN, N B		
SATTERWHITE, D G		
SCHUBERT, A L		
SETLOCK, G H	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SULLIVAN, M T		
SWANSON, E R		
WILKINSON, R B		
WILSON, J M		

Nesta SXX

Harrington

EXX

CORRES CONTROL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PATS/T130G		
ADMN RECORD/080	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Reviewed for Addressee  
Corres Control RFP10-21-93  
DATE BY

Ref Ltr #

DOE ORDER #5400 /

States Government

Department of Energy

## morandum

Oct 21 1 07 PM '93

Rocky Flats Office

OCT 21 1993

EG&G  
ROCKY FLATS  
CORRESPONDENCE

EPD PMP 11682

Review of EG&G Procedures for Protection of Threatened  
and Endangered Species and Migratory BirdsG H Setlock, Director  
Environmental Management  
EG&G Rocky Flats, Inc

Environmental Protection Division (EPD) staff reviewed the subject procedures and found them to be very good. Please incorporate the attached comments and suggested changes into the procedures. We look forward to seeing the procedures completed and implemented.

If there are any questions, please call Patricia Powell at extension 3260


E A Howard, Acting Director  
Environmental Protection Division

Attachment

cc w/o Att

J Hartman, AMTER, RFO  
M McBride, DAMTER, RFO  
A Howard, EPD, RFO  
P Powell, EPD, RFO  
S Nesta, END, EG&G  
F Harrington, END, EG&G

ADMIN RECORD

DOCUMENT CLASSIFICATION  
REVIEW WAIVER PER  
CLASSIFICATION OFFICE

Comments on EG&G Document Entitled  
Procedure 1-DO6-EPR-END.03, Revision 0, Identification and  
Protection for Threatened, Endangered and  
Special-Concern Species

• 1. PURPOSE, ¶1.

- p 4. Bullet 1 Suggest citing the statute by modifying the item as follows " Endangered Species Act of 1973 (ESA), as amended, 16 U S C 1531 et seq

- p 4. Bullet 4. Suggest citing the statute as follows.  
" Colorado Nongame, Threatened and Endangered species Conservation Act, Title 33, Colorado Revised Statutes (CRS)

- p 6. 4.3 Responsible Manager and Field Activity Project Manager or Supervisor, ¶1: Suggest adding an additional item as a new bullet number one

- "Identify the potential for the presence of species of concern "

• 5.1 Proposed Field Activity Evaluation, Responsible Manager, [1]

- p.7. ¶2 In the third bullet under the discussion of project changes requiring notification of END, suggest that this bullet be further clarified as to whether it means increase in total effluent, sewage effluent, surface water discharge, etc Is the 20% number an increase over the original projections and is there a reason END would not want to be notified until the effluent increase tops 20%?

- p.9. END, [8], [B] The mailing address for the U S Fish and Wildlife Service should be modified to read as follows

U S Fish and Wildlife Service  
Ecological Services  
Colorado Field Office  
730 Simms Street, Suite 290  
Golden, Colorado 80401

Attn Colorado Field Supervisor  
phone (303) 231-5280

• **5.3 Identification of Species of Concern During Field Activities**

- p. 11 **Field Activity Personnel, [B]**. Suggest modifying this item to read as follows: "Immediately take appropriate action to protect individuals of the species and their associated habitat(s) from being disturbed, injured or destroyed

- p. 12. **Field Activity Project Manager or Supervisor:**

- [3] Suggest this statement be modified as follows: "Ensure that all actions prescribed by END to protect the species and its associated habitat(s) are taken "

- [4] Suggest bullet eight be modified to read as follows: • "Immediate action taken to protect the species and its associated habitat(s)

- p. 13. **END Manager, [7]**. Suggest this item be modified to read "Arrange to have a qualified biologist verify the sighting information "

Suggest that an item [8] be added under **END Manager** requiring the END Manager to notify the DOE/RFO ESA Coordinator immediately when a sighting of a species of concern with the potential to stop or alter a project has occurred, and an item [9] be added requiring the END Manager to forward a copy of the Species of Concern Observation Report to the DOE/RFO ESA Coordinator upon receipt

• p.14. **7. REFERENCES.**

Suggest the following additional citation

*Endangered Species Act of 1973, as amended, 16 U S C 1561 et seq,*

Suggest that the second citation be modified to read, "Colorado Nongame, Threatened, and Endangered Species Conservation Act, 33 CRS 2

• p 15. **APPENDIX, Page 1 of 1, SPECIES OF CONCERN OBSERVATION REPORT:**

- 10. **Organizations, Agencies, and Individuals Notified.**

Suggest that the title of this block be reworded to read. "EG&G and DOE Organizations and Individuals Notified"

Comments to EG&G Document Entitled  
Procedure 1-DO6-EPR-END.04, Revision 0, Draft A  
Migratory Bird Evaluation and Protection

• p.1. PURPOSE, ¶1:

- Suggest the first sentence be modified to read as follows,  
" the potential of Rocky Flats Plant (RFP) project activities to  
adversely impact, and for "

- Certain avian species are excluded from the Migratory Bird  
Treaty Act (MBTA) Suggest the addition of this sentence at the  
end of the paragraph "Avian species excluded from consideration  
under the MBTA are the house sparrow, European starling,  
gallinaceous species, and the rock dove."

• p.5 Field Activities: Suggest the first sentence be  
modified to read, "Any outdoor activities at RFP or at off site  
locations "

• p 6 5 1 Proposed Field Activity Evaluation, NOTE,  
**Bullet 1** Suggest wording in the bullet be modified to  
read, " during nonbreeding periods to eliminate maintenance  
hazards, fire hazards, or safety hazards, or to implement new  
projects "

**Bullet 2** Suggest this bullet be modified to read, "• Nest  
structures of threatened or endangered species, such as bald  
eagles, must not be disturbed without written permitted approval  
from the USFWS

• p 8 [A], (1) Suggest the first sentence in this  
paragraph be modified to read, "A team of not less than two people  
outfitted with appropriate biological survey equipment (e g.  
binoculars, etc ) at least one of whom is qualified "

• p.9 [6], [A] Suggest the sentence be modified to read,  
" for a period of not less than one full year to acquire  
seasonal activity data of migratory birds "

• p 11, 7. REFERENCES

- Suggest the first reference cited be modified to read as  
follows "Migratory Bird Treaty Act, 16 U S.C. 703-711, and 50  
CFR Parts 10, 13, 14, 20, and 21"

- Suggest double checking the second citation Our reference lists it as "Title 33, Colorado Revised Statutes, Article II, Nongame and Endangered Species Conservation," and we have 33 CRS Article III, as "Damage by Wildlife "
- Suggest also considering citation of the Colorado Division of Wildlife Regulations, Chapter 10, Nongame Wildlife